

2008-6-20

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TRI-COASTAL DESIGN GROUP, INC.,  
a New Jersey Corporation,

Plaintiff,

CIVIL ACTION

Index No.: 08 CV 3708 (WHP)

JUDGMENT IN A CIVIL CASE

-v-  
ENCHANTE ACCESSORIES, INC., a  
New York Corporation, and Does 1-10,

Defendant.  
-----X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant Enchante Accessories, Inc. having served an Offer of Judgment on plaintiff Tri-Coastal Design Group, Inc. on June 2, 2008, and plaintiff having timely served a Notice of Acceptance of such Offer of Judgment on June 5, 2008, it is ordered that plaintiff Tri-Coastal Design Group, Inc. recover from defendant Enchante Accessories, Inc. the amount of thirteen thousand seven hundred and fifty-one dollars (\$13,751.00), such amount to be considered inclusive of any claim for attorneys' fees awardable by statute, contract or otherwise and any claim for fees payable to expert witnesses or other costs accrued to date that might be recoverable against defendant in this action.

Plaintiff Tri-Coastal Design Group, Inc. shall be entitled to receive post judgment interest at the rate of 2.14%.

June 13, 2008

*The clerk of Court is directed to terminate all motions pending as of this date and close the case.*

*William H. Pauley III*  
U.S. D. J.

William H. Pauley III

K3-333

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TRI-COASTAL DESIGN GROUP, INC.,  
a New Jersey Corporation,

Plaintiff,

-v-

ENCHANTE ACCESSORIES, INC., a  
New York Corporation, and Does 1-10,

Defendant.  
-----X

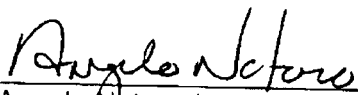
08 CV 3708 (WHP)

**OFFER OF JUDGMENT**

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendant hereby offers to allow judgement to be taken, in the amount of Thirteen Thousand Seven Hundred Fifth One Dollars (\$13,751.00), such amount to be considered inclusive of any claim for attorneys' fees awardable by statute, contract or otherwise and any claim for fees payable to expert witnesses or other costs accrued to date that might be recoverable against Defendant in this action. This offer of judgment is made for the purposes specified in Rule 68, and is not to be construed either as an admission that the Defendant is liable in this action, or that Plaintiff has suffered any damage.

Dated: May 27, 2008

NOTARO & MICHALOS P.C.

  
\_\_\_\_\_  
Angelo Notaro (AN1306)  
John Zaccaria (JZ3157)  
100 Dutch Hill Road, Suite 110  
Orangeburg, NY 10962-2100  
(845) 359-7700  
Attorneys for Defendant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TRI-COASTAL DESIGN GROUP, INC.,  
a New Jersey Corporation,

Plaintiff,

CIVIL ACTION

Index No.: 08 cv 3708 (WHP)

-v-

**NOTICE OF ACCEPTANCE  
OF OFFER OF JUDGMENT**

ENCHANTE ACCESSORIES, INC., a  
New York Corporation, and Does 1-10,

Defendant.  
-----X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Plaintiff hereby accepts Defendant Enchante Accessories, Inc.'s offer to allow judgment to be taken against it in the amount of Thirteen Thousand Seven Hundred and Fifty-one Dollars (\$13,751.00), such amount to be considered inclusive of any claim for attorneys' fees awardable by statute, contract or otherwise and any claim for fees payable to expert witnesses or other costs accrued to date that might be recoverable against Defendant in this action.

Dated: June 5, 2008

THE LAW OFFICES OF TEDD S. LEVINE, LLC  
Attorneys for Plaintiff

By: 

Tedd S. Levine, Esq. (TL 0158)  
1010 Franklin Avenue  
2<sup>nd</sup> Floor  
Garden City, NY 11530  
(516) 294-6852

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

**Date:**

**In Re:**

-v-

**Case #:**

( )

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

**J. Michael McMahon, Clerk of Court**

by: \_\_\_\_\_

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

-V-	<div style="text-align: right;">X</div> <div style="text-align: center;"><b>NOTICE OF APPEAL</b></div> <div style="text-align: center;">civ.            (    )</div> <div style="text-align: left;">X</div>
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Notice is hereby given that \_\_\_\_\_  
(party)  
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

(    ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

**FORM 1**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**MOTION FOR EXTENSION OF TIME  
TO FILE A NOTICE OF APPEAL**

civ.

( )

Pursuant to Fed. R. App. P. 4(a)(5), \_\_\_\_\_ respectfully  
(party)  
requests leave to file the within notice of appeal out of time. \_\_\_\_\_  
(party)  
desires to appeal the judgment in this action entered on \_\_\_\_\_ but failed to file a  
(day)  
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( )

\_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006

**FORM 2**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**NOTICE OF APPEAL  
AND  
MOTION FOR EXTENSION OF TIME**

civ. ( )

1. Notice is hereby given that \_\_\_\_\_ hereby appeals to  
(party)  
the United States Court of Appeals for the Second Circuit from the judgment entered on \_\_\_\_\_.  
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time  
\_\_\_\_\_ respectfully requests the court to grant an extension of time in  
(party)  
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, \_\_\_\_\_ states that  
(party)  
this Court's judgment was received on \_\_\_\_\_ and that this form was mailed to the  
(date)  
court on \_\_\_\_\_  
(date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006

**FORM 3**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-----X  
|  
-V-  
|  
-----X

**AFFIRMATION OF SERVICE**

civ. ( )

I, \_\_\_\_\_, declare under penalty of perjury that I have  
served a copy of the attached \_\_\_\_\_

upon \_\_\_\_\_

whose address is: \_\_\_\_\_

Date: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006